

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WENDY'S NETHERLANDS B.V.,

Plaintiff,

v.

ANDREW LEVY,

Defendant.

Civil Action 2:24-cv-3077

Judge Michael H. Watson

Magistrate Judge Kimberly A. Jolson

ORDER

The parties' Joint Status Report (Doc. 45) is before the Court. As background, on July 21, 2025, the Court granted Defendant's Amended Motion to Vacate Cognovit Judgment. (Doc. 44). The Court then ordered the parties to file a status report proposing next steps for this litigation. (*Id.* at 14). The parties have done so, though they do not agree on everything. (Doc. 44).

The parties agree that Defendant must file his Amended Answer to Plaintiff's Complaint by August 25, 2025, and they agree to mediate this action no later than December 19, 2025. (Doc. 45 at 1–2). They do not agree, however, on the discovery and dispositive motion deadlines, as well as the appropriate scope of discovery. For its part, Plaintiff wants limited discovery directed at only its “enforcement of and ability to collect on the cognovit note and Defendant Levy’s defense of duress.” (*Id.* at 2 (cleaned up)). It also wants discovery to close on October 31, 2025, with dispositive motions due on November 31, 2025. (*Id.*). Meanwhile, Defendant wants discovery “for all claims, counterclaims, and defenses” to proceed until January 31, 2026. (*Id.*). Then, he wants a dispositive motion deadline of April 1, 2026. (*Id.*).

The Court finds neither path suitable. Instead, the Court finds that for now, the parties must focus on all discovery that would be helpful to mediation. Therefore, the parties are **ORDERED** to confer on what discovery would be conducive to a productive mediation and file a

discovery plan to that effect **on or before September 2, 2025**. The Court expects that plan to be detailed and specific. Further, in the plan, the parties must say whether they intend to participate in mediation through the Court's ADR program or whether they will engage in private mediation. If the parties do not settle at that eventual mediation, they must file a status report **within fourteen (14) days of their mediation** proposing additional case deadlines.

In sum, the Court **ORDERS** the following case schedule:

- Defendant's Answer Due August 25, 2025
- Discovery Plan Due September 2, 2025
- Mediation Deadline December 19, 2025
- Status Report Due Fourteen (14) Days After Mediation

Date: August 5, 2025

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE